

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

SHARON L. OVINGTON

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)A Package Associated with United States Postal Service
Priority Mail Express, Label Number, EL 632550717 US

Case No. 3:17mj 244

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment A

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Controlled substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mail, including money and/or monetary instruments associated with the distribution of controlled substances.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. 846	Conspiracy to distribute a controlled substance
21 U.S.C. 841(a) (1)	Possession with intent to distribute a controlled substance
21 U.S.C. 843(b)	Use of a communication facility

The application is based on these facts:
See Attached Affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Andrew W. Kremer, U.S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date:

6-1-17

City and state: Dayton, Ohio

Judge's signature

Sharon L. Ovington, U.S. Magistrate Judge

Printed name and title

FILED
RICHARD W. NAGEL
CLERK OF COURT

2017 JUN - 1 PM 3:35

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, ANDREW W. KREMER, having been duly sworn, depose and state:

1. I am a United States Postal Inspector, having been so employed since May 19, 2012. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the Postal Inspection Service with investigative responsibility for southwest Ohio and northern Kentucky. Part of my investigative responsibility involves the use of the United States Mail in the illegal transporting of narcotics and other dangerous controlled substances and financial proceeds relating thereto.
2. Your Affiant completed United States Postal Inspection Service Basic Training in May 2012. The training involved narcotic investigation techniques, chemical field tests and training in the detection and identification of controlled substances being transported in the United States Mail. In addition to this formal training, your Affiant has worked since May 2012 with various federal, state and local law enforcement agencies in the investigation of the transportation of illegal drugs and their identification.
3. This Affidavit is made in support of a search warrant for the following property, namely:
 - a. a package associated with United States Postal Service (USPS) Priority Mail Express, Label Number **EL 632550717 US** (hereinafter the "SUBJECT PARCEL");

as further described in Attachment A. This affidavit is made in support of a warrant to search the SUBJECT PARCEL for evidence of a crime as well as contraband, fruits of a crime or other items illegally possessed in relation to the following offenses:

- a. Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 841,
- b. Use of a Communication Facility, in violation of Title 21, United States Code, § 843(b), and
- c. Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, § 846.

Because this affidavit is submitted in support of the application of the United States to search the SUBJECT PARCEL, it does not include every fact known concerning this investigation. I have set forth facts and circumstances that I have relied upon to establish probable cause to justify the issuance of a warrant to search the above-described SUBJECT PARCEL.

4. Your Affiant has become aware that drug traffickers frequently use Priority Mail Express and/or Priority Mail, services offered by the USPS, to transport narcotics and other

dangerous controlled substances. As a result of investigations and successful controlled substance prosecutions where Priority Mail Express and/or Priority Mail were used, your Affiant has learned of certain characteristics indicative of other Priority Mail Express and/or Priority Mail items previously identified as containing narcotics or other dangerous controlled substances. Some of these characteristics include, but are not necessarily limited to or used on every occasion: false or non-existent return address; addressee is not known to receive mail at the listed delivery address; the package is heavily taped; the package is mailed from a known drug source location; labeling information contains misspellings; the label contains an illegible waiver signature; unusual odors emanating from the package; and the listed address is located in an area of known or suspected drug activity.

5. In approximately September 2016, your Affiant was contacted by a Drug Enforcement Administration (DEA) Task Force Officer, located in Dayton, Ohio, about drug shipments being sent via USPS to 1955 Rugby Rd., Dayton, OH 45406. Since September 2016 your Affiant has identified five mailings to this address, being mailed from in, and around the Los Angeles, California area.
6. On June 1, 2017, during a review of postal mailings your Affiant located the SUBJECT PARCEL, which was mailed from the area in, and around Los Angeles, California, to 1955 Rugby Rd, Dayton, OH 45406. On June 1, 2017, your Affiant observed and took custody of the SUBJECT PARCEL. The SUBJECT PARCEL is currently located at the United States Postal Inspection Service Office in Dayton, Ohio.

The SUBJECT PARCEL is further described as:

Priority Mail Express, Label Number: EL 632550717 US

Sender: ERASE A TICKET
415 W. Foothill Blvd Suite #120
Claremont, CA 91711

Addressee: Michelle Brown
1955 Rugby RD
Dayton, OH 45406

7. Observation by your Affiant and USPS tracking information for the above listed Priority Mail Express SUBJECT PARCEL indicate that it was mailed from the Chandler Post Office, North Hollywood, CA 91601. However, the return address indicates Claremont, California 91711.
8. The CLEAR database was researched by your Affiant regarding the listed return address, ERASE A TICKET, 415 W. Foothill Blvd Suite #120, Claremont, CA 91711. CLEAR is a database used by law enforcement as a tool to identify person/business and address

information. The information obtained from the system indicated there is no ERASE A TICKET person or business associated with that address.

9. The CLEAR database was researched by your Affiant regarding the listed addressee on the package, Michelle Brown, 1955 Rugby Rd, Dayton, OH 45406. The information obtained from the system indicated there is no Michelle Brown associated with that address.
10. On June 1, 2017, your Affiant arranged with Detective Tony Hutson, Montgomery County (Ohio) Sheriff's Department for a narcotics canine to check the SUBJECT PARCEL. Detective Hutson and his canine "Gunner" are a currently certified narcotics team. The team is certified by the Ohio Peace Officer Training Commission and the Office of the Attorney General (Ohio). On the same date, your Affiant met Detective Hutson at the Montgomery County Sheriff's Department where the SUBJECT PARCEL listed above was placed in separate office among several other similar parcels and presented to narcotic canine, "Gunner", who alerted positively to the presence or odor of a controlled substance upon the SUBJECT PARCEL.

Attached herewith, and incorporated by reference, is a photocopy of the narcotic canine handler's record of examination.

11. Based upon my experience and training, this information, along with the positive alert of narcotic canine "Gunner" is indicative of the SUBJECT PARCEL containing narcotics or proceeds relating thereof.
12. Based upon the information contained in this affidavit, your Affiant believes that there is probable cause to believe that the SUBJECT PARCEL will contain evidence and/or contraband, fruits of crime, or other items illegally possessed.

Therefore, a search warrant authorizing the opening and search of the parcel is requested.

Further, your Affiant sayeth naught.



ANDREW W. KREMER
U.S. POSTAL INSPECTOR

Subscribed and sworn to and before me this 1st day of June, 2017



SHARON L. OVINGTON
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A
PROPERTY TO BE SEARCHED

The property to be searched is the package associated with United States Postal Service Priority Mail Express, Label Number **EL 632550717 US**, addressed to Michelle Brown, 1955 Rugby Rd, Dayton, OH 45406, with a return address of ERASE A TICKET, 415 W. Foothill Blvd Suite #120, Claremont, CA 91711, currently located at the United States Postal Inspection Service Office in Dayton, Ohio.



United States Postal Inspection Service
Pittsburgh Division

OFFICER AFFIDAVIT

I, DETECTIVE T. HUTSON, AM, AND HAVE BEEN, EMPLOYED BY THE MONTGOMERY COUNTY SHERIFF'S DEPARTMENT (OHIO), SINCE 9/1998. AMONG OTHER DUTIES, I AM CURRENTLY THE ASSIGNED HANDLER OF NARCOTICS DETECTION CANINE "GUNNER", WHICH IS TRAINED AND CERTIFIED IN THE DETECTION OF THE PRESENCE OR ODOR OF NARCOTICS DESCRIBED AS FOLLOWS:

Marijuana, Hashish, Cocaine, Heroin, Methamphetamines, Ecstasy

ON 6/1/2017, AT THE REQUEST OF POSTAL INSPECTOR A.W.KREMER, I RESPONDED TO THE MONTGOMERY COUNTY SHERIFF'S DEPARTMENT WHERE "GUNNER" DID ALERT TO AND INDICATE UPON THE FOLLOWING DESCRIBED ITEM:

USPS Priority Mail Express, Label Number: EL 632550717 US, addressed to Michelle Brown, 1955 Rugby Rd, Dayton, OH 45406 with a return address of ERASE A TICKET, 415 W. Foothill Blvd Suite 120, Claremont, CA 91711.

BASED ON MY TRAINING AND EXPERIENCE AND THAT OF "GUNNER", I CONSIDER THE ABOVE DESCRIBED ITEM TO CONTAIN WITHIN OR UPON THE PRESENCE OR ODOR OF A NARCOTIC OR OTHER DANGEROUS CONTROLLED SUBSTANCE.


(Signature and Date)